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CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES

1 Marc E. Angelucci, Esq. (SBN 211291)

2 LAW OFFICE OF MARC E. ANGLEUCCI
11734 Wilshire Blvd., Ste. C903
3 Los Angeles, CA 90025
4 Telephone: (626) 319-3081
Facsimile: (626) 236-4127
5 Email: marc.angelucci@yahoo.com

6 Attorney for Plaintiffs the National Coalition for Men and James Lesmeister

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10 **IN THE UNITED STATES DISTRICT COURT**

11 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

12 NATIONAL COALITION FOR MEN and Case No. **CV13-02391DSF(MANx)**
13 JAMES LESMEISTER, Individually and on
behalf of others similarly situated,

14 **FOR INJUNCTIVE AND DECLARATORY
RELIEF**

15 v.

16 PLAINTIFFS,

17 SELECTIVE SERVICE SYSTEM; LAWRENCE
G. ROMO, as Director of SELECTIVE
SERVICE SYSTEM; and DOES 1 through 10,
18 Inclusive,

JURY TRIAL DEMANDED

19 DEFENDANTS.

20

21 Plaintiffs National Coalition For Men (hereinafter "NCFM") and James Lesmeister
22 (hereinafter "Lesmeister"), both collectively hereinafter "Plaintiffs," bring this complaint against
23 Defendants Selective Service System (hereinafter "SSS") and its Director Lawrence G. Romo,
24 collectively hereinafter ("Defendants"). Plaintiffs request injunctive and declaratory relief for
25 Defendants to treat women and men equally by requiring both women and men to register for the U.S.
26 military draft. Secretary of Defense Leon Panetta's announcement in January of 2013, lifting the ban
27

1 on women serving in combat for the U.S. military, will remove the only legal impediment to requiring
2 women to register for the draft. Plaintiffs' allegations are based upon information and belief and upon
3 investigation of Plaintiffs' counsel.

4 **JURISDICTION AND VENUE**

5 1. Plaintiffs bring this action under the Fifth and Fourteenth Amendments of the United States
6 Constitution, and United States Code, Title 28, Section 1983 to challenge Defendants' sex
7 discrimination against males in Defendants' Selective Service System, which requires only males
8 register for the draft into the branches of the U.S. military.

9 2. This Court has jurisdiction pursuant to the following statutes:

10 a. 28 U.S.C. § 1331, which gives district courts original jurisdiction over civil actions arising
11 under the Constitution, laws, or treaties of the United States.

12 b. 28 U.S.C. § 1343 (3) and (4), which give district courts original jurisdiction over actions to
13 secure civil rights extended by the United States government.

14 3. Venue is appropriate in this judicial district under 28 U.S.C. § 1391(b) because the events giving
15 rise to this Complaint occurred in this District, or a substantial part of property that is the subject
16 of the action is situated in this District.

17 4. No other forum would be more convenient for the parties and witnesses to litigate this action.

21 **PARTIES**

22 5. Plaintiff NCFM is a non-profit, 501(c)(3) educational and civil rights corporation organized under
23 the laws of the State of California and of the United States.

24 6. NCFM is registered with the Combined Federal Campaign for non-profit organizations.

25 7. NCFM is the oldest organization in the world that advocates for equal rights for men and women.

1 8. NCFM was established in 1976 to examine how sex discrimination adversely affects males in
2 military conscription, child custody laws, parenting rights, domestic violence services, family law,
3 paternity laws, criminal sentencing, public benefits, education, occupations that are not
4 traditionally male (nursing, school teachers, etc.), and other areas. NCFM assisted the California
5 Legislature in enacting legislation to protect men from paternity fraud, and helped overturn
6 unconstitutional laws that discriminated against male victims of domestic violence in California in
7 *Woods v. Horton* (2008) 167 Cal.App.4th 658. NCFM members were the prevailing appellants
8 and attorney in the landmark California Supreme Court case of *Angelucci v. Century Supper Club*
9 (2007) 41 Cal.4th 160, which held that women, people of color, gays and lesbians, and other
10 groups that California businesses discriminated against based on protected personal characteristics
11 did not have to first assert their right to equal treatment to an offending business in order to have
12 standing to sue for unlawful discrimination under California's Unruh Civil Rights Act.
13
14 9. NCFM has organizational standing because NCFM members would otherwise have standing to
15 sue in their own right, the interests NCFM seeks to protect are germane to NCFM's purpose and
16 neither the claim asserted, nor the relief requested, requires the participation of individual NCFM
17 members in this lawsuit. NCFM's membership is comprised mostly of males, many of them ages
18 18-25 or who will be age 18-25 at some time relative to this lawsuit and the relief it seeks, and
19 many of whom have children or other loved ones who are male and are ages 18-25, and all of
20 whom are members of NCFM because they support equal treatment of males and females.
21
22 10. Plaintiff Lesmeister is an 18-year-old male resident and U.S. citizen residing near Houston, Texas.
23
24 Lesmeister is in the age group required by Defendants to register for the military draft and has
25 recently registered for the military draft as is required of him as a male.
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1 11. Defendant SSS is an independent agency within the Executive Branch of the Federal Government
2 of the United States of America. The SSS collects and maintains information on men potentially
3 subject to military conscription. Male U.S. citizens and male immigrant non-citizens between the
4 ages of 18 and 25, are all required by law to register with the SSS within thirty days of their 18th
5 birthdays and must notify the SSS within ten days of any changes to any of the information they
6 provided on their registration cards, such as a change of address. A 2010 report by the General
7 Accounting Office estimated the SSS's registration rate at 92%, with the names and addresses of
8 over 16.2 million men on file. The SSS provides the names of all registrants to the Joint
9 Advertising Marketing Research & Studies ("JAMRS") program for inclusion in the JAMRS
10 Consolidated Recruitment Database. The names are distributed to various government agencies
11 for recruiting purposes on a quarterly basis.
12

13 14. Defendant, Lawrence G. Romo, is Director of the SSS. The Director of SSS is appointed by the
15 President of the United States of America and confirmed by the Senate.
16

17 13. Defendants DOES 1 through 50 are sued as fictitious entities at this time and will be added to this
18 Complaint by amendment when their true names are ascertained.
19

20 14. Plaintiffs are informed and believe and thereon allege that each of the Defendants is responsible
21 and liable for the illegal and unconstitutional acts alleged herein.
22

23 15. There is no other civil action between these parties arising out of the same transaction or
24 occurrence as alleged in this Complaint pending in this Court, nor has any such action been
previously filed and dismissed or transferred after having been assigned to a judge.
25

GENERAL ALLEGATIONS

26 16. Plaintiffs re-allege each allegation set forth above.
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1 17. Within the past three years, Defendants have been and are enacting, implementing, and/or
2 administering laws, rules, and public policies, which discriminate against males by requiring only
3 males to register for the draft under the SSS program.

4 18. The above-referenced discriminatory laws and policies violate the rights of Plaintiffs and other
5 qualifying men in the United States under the 5TH and 14th Amendments of the United States
6 Constitution and United States Code, Title 28, Section 1983. Men failing to register with SSS can
7 be fined \$250,000, sentenced to five years in prison, and be disqualified from a number of federal
8 and state benefits including: jobs, financial aid, citizenship, and job training.

9 19. In the 1981 U.S. Supreme Court decision of *Rostker v. Goldberg*, 453 U.S. 57 (1981), the Court
10 held that women did not have to register with the SSS for the military draft because women were
11 excluded from combat, therefore, men and women were not similarly situated,. However, in
12 January of 2013, U.S. Secretary of Defense Leon Panetta announced that women will be allowed
13 to enter all combat positions in all branches of the U.S. military.

14 20. Therefore, the sole legal basis for requiring only males to register with the SSS for the military
15 draft no longer applies, and Defendants should now treat men and women equally.

16 21. A USA Today article on Secretary Panetta's announcement ending the military's ban on women in
17 combat read, "Women currently serve in a number of combat positions, including piloting
18 warplanes or serving on ships in combat areas. Since the start of the wars in Afghanistan and Iraq,
19 292,000 women have served in those combat zones out of a total of almost 2.5 million, Pentagon
20 records show. In both wars, 152 women have died from combat or noncombat causes, records
21 show, and 958 have been wounded in action."

22 22. The U.S. Supreme Court, in *Frontiero v. Richardson*, 411 U.S. 677 (1973), ruled that the Equal
23 Protection Clause of the United States Constitution requires the U.S. military to provide its female
24

members with the same housing and medical benefits as it provides its male members. *Frontiero* discusses America's long and unfortunate history of sex discrimination, *Id.* at 684 - 687, which NCFM and many other equal rights organizations seek to end. Justice William J. Brennan Jr., in announcing the judgment of the Court, compared the military's unequal treatment of men and women regarding housing and medical benefits to be another example of this country's unfortunate tradition of treating people unequally based on their sex, finding that "Traditionally, such discrimination was rationalized by an attitude of "romantic paternalism" which, in practical effect, put women, not on a pedestal, but in a cage." *Id.* at 684.

DECLARATORY RELIEF

23. Plaintiffs re-allege each allegation set forth above.
24. There exists an actual, present, and justiciable controversy between Plaintiffs and Defendants concerning the rights of Plaintiffs and the duties of Defendants concerning the conduct described herein.
25. This controversy is ripe for judicial decision, and declaratory relief is necessary and appropriate so the parties may know the legal obligations that govern their present and future conduct.

COUNT ONE: VIOLATION OF FIFTH AMENDMENT OF THE UNITED STATES

CONSTITUTION

26. Plaintiffs re-allege each allegation set forth above.
27. The above-mentioned conduct by Defendants violates the rights of Plaintiffs to equal treatment based on sex under the Fifth Amendment of the United States Constitution.

COUNT TWO: VIOLATION OF FOURTEENTH AMENDMENT OF THE UNITED STATES

CONSTITUTION

28. Plaintiffs re-allege each allegation set forth above.

1 29. The above-mentioned conduct by Defendants violates the rights of Plaintiffs under the Fourteenth
2 Amendment of the United States Constitution.
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5 **COUNT THREE: VIOLATION OF 28 U.S.C. § 1983**

6 30. Plaintiffs re-allege each allegation set forth above.
7 31. The above-mentioned conduct by Defendants violates the rights of Plaintiffs under 28 U.S.C. §
8 1983.
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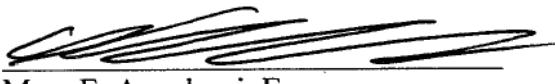
10 **PRAYER**

11 Therefore, Plaintiffs pray as follows for:
12
13 1. Injunctive relief ordering Defendants to end the sex-based discrimination in its military
14 draft registration program and to treat men and women equally.
15
16 2. Declaratory relief regarding the respective rights of Plaintiffs and all defendants as set forth
17 in this Complaint;
18
19 3. Attorney fees and costs; and,
20
21 4. Any other relief that the Court deems just.
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23 **JURY DEMAND**

24 Plaintiffs demand a trial by jury on all causes of action so triable.
25
26 Respectfully Submitted.
27
28 Law Office of Marc E. Angelucci

Date: 4/4/12

By: 

Marc E. Angelucci, Esq.
Attorney for Plaintiffs,
National Coalition For Men, and James Lesmeister